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*Attorneys for Irving H. Picard, as Trustee for the
Substantively Consolidated SIPA Liquidation of
BLMIS and the Chapter 7 Estate of Bernard L.
Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA Liquidation

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 12-01566 (SMB)

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

UKFP (ASIA) NOMINEES LIMITED,

Defendant.

**DECLARATION OF MATTHEW K. COWHERD IN SUPPORT OF THE TRUSTEE'S
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

I, Matthew K. Cowherd, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and an attorney at Baker & Hostetler LLP, counsel for plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this declaration in support of the Trustee’s Memorandum of Law in Opposition to Defendant UKFP (Asia) Nominees Limited (“UKFP”)’s Motion to Dismiss.

3. Although several documents attached to this Declaration are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2013), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

4. Attached hereto as **Exhibit 1** is a true and correct copy of a letter entitled “Change of company name” dated March 6, 2006. (CFSSAO0009874).

5. Attached hereto as **Exhibit 2** is a true and correct copy of a Certificate of Incorporation effective March 17, 2006. (CFSSAO0009876).

6. Attached hereto as **Exhibit 3** in redacted form is a true and correct copy of a Fairfield Sentry Limited (“Sentry”) short-form subscription agreement executed by UKFP in January 1999 (BRRVAA0001034).

7. Attached hereto as **Exhibit 4** in redacted form is a true and correct copy of a Sentry short-form subscription agreement executed by UKFP in January 1999 (BRRVAA0001040).

8. Attached hereto as **Exhibit 5** in redacted form is a true and correct copy of a Sentry short-form subscription agreement executed by UKFP in January 1999 (BRRVAA0001046).

9. Attached as **Exhibit 6** in redacted form is a true and correct copy of a Sentry Information Memorandum as amended on January 1, 1999 (BNPSAB0000491).

10. Attached as **Exhibit 7** in redacted form is a true and correct copy of UKFP's request for wire transfer payment dated July 14, 2003 (ANWAR-CFSE-00318186).

11. Attached as **Exhibit 8** in redacted form is a true and correct copy of UKFP's redemption request confirmation form dated June 23, 2006 (CFSSAO0009870).

12. Attached as **Exhibit 9** in redacted form is a true and correct copy of UKFP's redemption request dated June 21, 2006 (CFSSAO0009873).

13. Attached as **Exhibit 10** in redacted form is a true and correct copy of UKFP's fax redemption request dated June 21, 2006 (CFSSAO0009877).

14. Attached as **Exhibit 11** is a true and correct copy of a Sentry "Positions Detail Report" dated as of April 1, 2008 (SECSEV1134607).

15. Attached as **Exhibit 12** is a true and correct copy of an email exchange among FGG management dated December 7, 2004. (SECSEV0734822).

16. Attached as **Exhibit 13** is a true and correct copy of an email from Lourdes Barraneche to FGG management on April 22, 2003 regarding a conference call the day before

with UKFP representatives and with New York-based Dan Lipton, Chief Financial Officer of FGG, regarding Sentry and BLMIS. (SECSEV2347508).

17. Attached as **Exhibit 14** is a true and correct copy of an email exchange between Veronica Barco of FGG and Moghe Bhagyashree of UKFP beginning on December 23, 2003. (SECSEV2593990).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: September 13, 2022
New York, NY

By: /s/ Matthew K. Cowherd